

In re Application of: Zion AZAR et al.
Serial No.: 10/802,390
Filed: March 17, 2004
Office Action Mailing Date: December 23, 2008

Examiner: Hasan Syed AHMED
Group Art Unit: 1615
Attorney Docket: 35682

REMARKS

The Application comprises claims 1-13, of which claims 1 and 7 are in independent form. None of the claims have been currently amended and no new claims have added herewith.

Claims 1 and 6 stand rejected under 35 U.S.C. §102(a) as being anticipated by Beaudry (US Patent No. 6,676,501).

Applicants respectfully submit that the Examiner has not made out a *prima facie* case of anticipation since the Examiner did not show where all the features of the claims are shown in the prior art. Claim 1 is the only independent claim in this group of rejected claims.

Claim 1 defines:

"An abrasive pad comprising:
an abrasive surface; and
an elastomer or sponge material backing the abrasive surface and having an end remote from the abrasive surface;
wherein the elastomer or sponge material is formed with two slits starting at edges of the spongy material and oriented substantially parallel to the abrasive surface near the remote end of the spongy material, such that flaps formed by the slits can be folded back to form a finger hold." (Emphasis added)

The Examiner rejected claim 1 as being anticipated by Beaudry. Applicants respectfully disagree and submit that Beaudry does not teach all the features of claim 1. Specifically, Beaudry does not disclose the underlined features of claim 1.

Beaudry uses flexible material as mentioned in column 3, lines 37 where a list of examples of such materials are provided. None of the listed materials are elastomer or sponge. Thus, Beaudry fails to teach "an elastomer or sponge material backing the abrasive surface" as recited in claim 1.

In addition, the backing surface in Beaudry is formed of two pieces adhesively coupled to each other, as shown in Figs. 1-3 and described in column 3, lines 1-10.

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Thus, Beaudry does not teach two slits formed in the backing as required by the second underlined portion of claim 1.

Therefore, Applicants submit that claim 1 is not *prima facie* anticipated by Beaudry.

Claims 1-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beaudry in view of Rosborne (US Patent No. 3,775,014).

According to the Examiner, Beaudry differs from the instant Application in that it does not disclose the sponge material of instant claims 2 and 13 or the ring of instant claims 3-5, 7, 10 and 12. However, Rosborne discloses an abrasive pad comprising a sponge material and a ring. Applicants respectfully disagree and submit that the Examiner has not provided a *prima facie* case of obviousness since Beaudry differs from the claims in additional features to those indicated by the Examiner and a person of ordinary skill in the art would not combine Beaudry and Rosborne.

Claims 1 and 7 are the only independent claims in this group of claims.

As indicated above, Beaudry fails to teach at least two features of claim 1, "an elastomer or sponge material backing the abrasive surface" and "the elastomer or sponge material is formed with two slits starting at edges of the spongy material". Rosborne does nothing to cure this deficiency in claim 1. In fact, as detailed below, Rosborne has a completely different holding mechanism which could not be combined in one article with the slits of claim 1.

Claim 7 recites:

"An abrasive pad comprising:

an abrasive surface;

an elastomer or sponge material backing the abrasive surface; and

a separate ring of elastomer or sponge material surrounding the backing material to reduce contact between the edge of the abrasive surface and a surface being abraded."

(Emphasis added).

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Beaudry fails to teach the underlined features of claim 7. As discussed above, Beaudry does not disclose an elastomer or sponge material backing the abrasive surface. In addition, as admitted by the Examiner, Beaudry fails to teach a ring as defined in the claim.

Rosborne teaches a scouring article which is designed with a window provided in its sponge like surface for placement of an abrasive material, which material is made to protrude from the sponge like material by exerting finger pressure behind the abrasive member. For this purpose, a strap 4 is attached to the pad through which the finger can be inserted, see Fig. 1.

Thus, the design of the grasping mechanism of Rosborne is completely different than that of Beaudry or of the present claims. It would be impossible to combine Rosborne's design with Beaudry's, since a handhold as described by Beaudry does not allow for the finger pressure which an essential element in the operation of Rosborne. Nor would there be any reason, based on the Rosborne reference to provide the sponge surrounding the abrasive surface absent this finger pressure. Accordingly, applicants submit that a person of ordinary skill in the art would not and in fact could not combine Beaudry and Rosborne.

In view of the above remarks, reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,



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Date: March 19, 2009